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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,670	06/19/2001	Stephen R. Fox	YOR920010104(14270)	4482

7590 03/18/2002

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400 Garden City Plaza  
Garden City, NY 11530

EXAMINER

POMPEY, RON EVERETT

ART UNIT	PAPER NUMBER
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2812

DATE MAILED: 03/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/884,670

Applicant(s)

FOX ET AL.

Examiner

Ron E Pompey

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 2-19-02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) 41-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sadana et al. (US 6,090,689) in further view of Tachimori et al. (US 5,534,446) and Sadana et al. (US 5,930,643).

Sadana ('689) discloses the steps of:

For claims 1-29:

implanting oxygen ions (14, 18, fig. 2) into a surface of a Si-containing substrate, said implanted oxygen ions having a concentration sufficient to form a buried oxide region during a subsequent annealing step; and

annealing said substrate wherein, said implanted oxygen ions form said buried oxide region (22, fig. 3) (col. 3, lns. 6-12 and col. 4, ln. 8 – col. 5, ln. 34).

Sadana ('689) discloses the claimed invention except for:

wherein the annealing step is carried out in an ambient gas comprising at least one high-surface mobility gas that hinders oxide growth; and

wherein the annealing step comprises the steps of: partially annealing the substrate so as to form a surface layer of oxygen on the substrate; stripping the surface layer of oxygen; and continuing the annealing to complete the formation of said BOX

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region. However, Tachimori teaches an annealing step is carried out in an ambient gas comprising at least one high-surface mobility gas that hinders oxide growth (col. 7, ln. 55 – col.8, ln.5) and Sadana('643) teaches partially annealing the substrate so as to form a surface layer of oxygen on the substrate; stripping the surface layer of oxygen; and continuing the annealing to complete the formation of said BOX region (col. 5, Ins. 22-43).

Therefore it would have been obvious to those of ordinary skill in the art to combine Tachimori and Sadana ('643) because, the high-surface mobility gas will prevent the semiconductor surface from roughening and that the oxide is of poor quality and needs to be removed before forming a device on the SOI substrate.

### ***Election/Restrictions***

3. Applicant's election without traverse of claims 1-40 in Paper No. 4 is acknowledged.

### ***Claim Objections***

4. Claim1 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. the claim language of "said superficial Si-containing layer having a top surface which contains a reduced number of tile or divot defects so as to allow optical detection of any other defect that has a lower density than the tile or divot defect. Nothing is given to compare what would be a

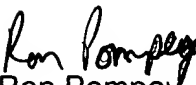
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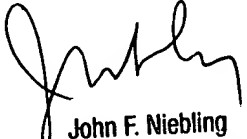
reduced number of defects, therefore the language is indefinite and does not clearly point out and distinctly claim the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ron E Pompey whose telephone number is (703) 305-3016. The examiner can normally be reached on flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Niebling can be reached on (703) 308-3325. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3432 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
Ron Pompey  
Art Unit: 2812  
March 11, 2002

  
John F. Niebling  
Supervisory Patent Examiner  
Technology Center 2800